

APPENDIX A: COUNCIL MEMBER REQUESTED AGENDA ITEM - AMENDED

Requested by: **Mayor Patterson** _____

Desired Initial Council Meeting Date: **May 23, 2016** _____

Desired Date for Second Step or Policy Calendar Review: **July, 2016** actual date is June 19, 2018

Deadline for Action, if any: _____

Problem/Issue/Idea Name: **Industrial Safety Ordinance** _____

Description of Problem/Issue/Idea: **Consider Council directing staff - with appropriate subject matter expertise (including outside of city staff) – review the draft Industrial Safety Ordinance and make recommendations to Council for future consideration for adoption of the Industrial Safety Ordinance**

This request is being updated in light of the lapse of time of the original request last May. [This is in context of the exigencies of other city business and is not a reflection on staff or council’s interest]. In the meantime, a local group organized to advocate for council adoption of the Industrial Safety Ordinance (ISO). The group researched the existing regulatory authority of the state and conducted an expert panel representing the state regulators as well as officials from Contra Costa County.

It is clear that the city has the need for and the authority to have a “seat at the table”. The proposed draft ordinance provides for this. The ability to have reports on a timely basis and the expertise to understand, review and comment is provided by the ISO. The costs for this “seat at the table” is covered by enabling fees through this ordinance. The need for improved emergency response includes engaging the public. The proposed ISO provides for this and the cost is covered by the fee section. The need for air monitors is well established and this draft ordinance expedites the implementation including sensitive receptors such as schools and the Benicia Industrial Park. The costs for the air monitors and operation is covered in the proposed draft ISO. The cost for the review, changes and future adoption of the draft ISO is recovered through the proposed ordinance fee section. The draft ordinance essentially is based on Contra Costa County’s ISO and this draft Benicia ISO notes and respects state regulatory authority recently adopted as derived from the CoCoCo ISO.

This amended and updated request is to seek council approval to direct staff to review the proposed draft ordinance and report back in a timely manner for consideration to adopt and develop fees commensurate with the city costs for implementation.

Time has shown that Benicia needs to have an Industrial Safety Ordinance. This was considered in the early 2000s but no action was taken.

Recent events are compelling for adoption of an ISO modeled on the Contra Costs ISO. See the link below. Unlike the other 4 refineries in the Bay Area (all in Contra Costa County), Valero is an “integrated refinery” where power loss in one area of the refinery impacts the whole facility. In other refineries in the Bay Area, power outages can be isolated to parts of a refinery.

The 4 refineries in Contra Costa are subject to the local Industrial Safety Ordinance (ISO) (which is built upon authority under the California Accidental Release Prevention Program). According to BAAQMD, Stationary Source Committee Chair John Gioia (and past chair of the board) CCC ISO is the STRONGEST local refinery safety ordinance in the United States and has been recognized as such by the U.S. Chemical Safety Board. Gioia writes, “The ISO has improved refinery safety in Contra Costa County since its adoption 1999. The number of serious accidents has decreased during this time.”

The State of California has been considering adopting parts of it into statewide law to apply to all refineries. This ordinance was passed by the CC Board of Supervisors in 1999 and is a risk based program and requires that refineries install “inherently safer systems.” It has many beneficial elements which make refineries safer. We should consider adopting such an ordinance.

In Contra Costa, the 3 refineries in the unincorporated area are subject to the ordinance; the Chevron Refinery in Richmond is subject to the Richmond version of the ordinance (they adopted the County ordinance). The Contra Costa Hazardous Materials Division (which employ trained engineers) implements and enforces the ordinance at all 4 refineries.

There has been pressure around the state to adopt the regulatory safety structure of the ISO. I believe the public interest and safety (of both Solano and Contra Costa residents) would be served if Benicia had such an ordinance.

<http://cchealth.org/hazmat/iso/>

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COUNCIL DIRECTION

- No Further Action
- Schedule for Second Step on _____
- Schedule for Policy Calendar Review on _____
- Refer to: Staff _____

Commission _____
Board _____
Committee _____

Date Due: _____